

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA *ex rel.*
ELLSWORTH ASSOCIATES, LLP,

Plaintiff-Relator,

Case No.: 2:19-cv-02553-JMY

v.

CVS HEALTH CORPORATION, *et al.*,

Defendants.

**RELATOR'S RULE 12(F) MOTION TO STRIKE
DEFENDANTS' AFFIRMATIVE DEFENSES**

Relator Ellsworth Associates, LLP moves under Federal Rule of Civil Procedure 12(f) to strike as insufficient the CVS Defendants'¹ First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Twelfth Affirmative Defenses. *See Answer at 79-80 (ECF No. 57).* The grounds for this motion are fully set forth in the accompanying brief.

Dated: April 28, 2023

/s/ W. Scott Simmer

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¹ Defendants CVS Health Corporation, SilverScript Insurance Company, LLC, CVS Caremark Corporation, and CVS Pharmacy, Inc.

CERTIFICATE OF SERVICE

I certify that on April 28, 2023 this document was filed electronically, that it is available for viewing and downloading from the ECF system, and that all counsel of record will be served by the ECF system.

/s/ W. Scott Simmer